

2020 Regular Session

SENATE BILL NO. 77

BY SENATOR BOUIE

PUBLIC CONTRACTS. Requires any contractor who bids on or enters into a contract with a public entity to comply with the Louisiana Equal Pay for Women Act. (8/1/20)

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AN ACT

To enact Chapter 27 of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:2301 through 2304, relative to public contracts; to require compliance with the Louisiana Equal Pay for Women Act by any contractor who bids on or enters into a contract with a public entity; to require employers who contract with a public entity to pay employees who perform the same kind, grade, and quality of service equally regardless of sex; to provide for certification of compliance; to provide for enforcement and penalties; to provide definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 27 of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:2301 through 2304, is hereby enacted to read as follows:

**CHAPTER 27. EQUAL PAY IN PUBLIC GOVERNMENT CONTRACTS**

**§2301. Definitions**

**For purposes of this Chapter, the following terms have the meanings ascribed to them by this Section, except where the context clearly indicates otherwise:**

1           **(1) "Contractor" means any person, firm, association, limited liability**  
2           **company, or corporation that desires to submit a bid for or enter into a contract**  
3           **with the state in return for performing any work or services pursuant to a**  
4           **contract awarded by any public entity to perform construction or repair work**  
5           **or to provide supplies, materials, or equipment.**

6           **(2) "Public entity" means any state department, office, division,**  
7           **commission, council, board, bureau, committee, institution, agency, government**  
8           **corporation, or other establishment or official of the executive or judicial**  
9           **branches of state government.**

10           **§2302. Pay equality; public contracts**

11           **A. Any contractor who submits a bid or enters into a contract with any**  
12           **public entity shall pay all persons in his employ in compliance with the**  
13           **Louisiana Equal Pay for Women Act, Chapter 6-A of Title 23 of the Louisiana**  
14           **Revised Statutes of 1950, consisting of R.S. 23:661 et seq., relative to state**  
15           **employees.**

16           **B. The provisions of this Section shall apply to all contracts involving the**  
17           **expenditure of public monies regardless of the amount and shall apply to both**  
18           **formal and informal bids.**

19           **§2303. Affidavit**

20           **Any contractor who submits a bid or enters into a contract with a public**  
21           **entity shall submit a sworn affidavit to the public entity to attest to all of the**  
22           **following:**

23           **(1) The contractor's pay practices conform to the pay practices provided**  
24           **in the Louisiana Equal Pay for Women Act.**

25           **(2) The contractor shall continue, during the term of the contract, to**  
26           **comply with the Louisiana Equal Pay for Women Act.**

27           **(3) The contractor shall require every subcontractor to submit to the**  
28           **contractor a sworn affidavit verifying the subcontractor's compliance with the**  
29           **Louisiana Equal Pay for Women Act.**

1                   **(4) The contractor shall create and preserve records reflecting the name,**  
 2                   **address, and position of each employee, and all wages paid to each employee.**  
 3                   **The contractor shall make the records available to the public entity for**  
 4                   **inspection and copying upon reasonable notice during normal working hours.**  
 5                   **The records shall be preserved for not less than three years from the completion**  
 6                   **or acceptance of the contract by the public entity.**

7                   **§2304. Penalties**

8                   **A. Any violation of the provisions of this Chapter shall render the**  
 9                   **contract null and void.**

10                   **B. In addition to cancellation of the contract, any contractor who**  
 11                   **violates the provisions of this Chapter is subject to penalties provided in R.S.**  
 12                   **23:666.**

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Sharon F. Lyles.

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DIGEST

SB 77 Original

2020 Regular Session

Bouie

Present law, cited as the La. Equal Pay for Women Act (R.S. 23:661 et seq.), provides for pay equality for women who are employees of any department, office, division, agency, commission, board, committee, or other organizational unit of the state.

Present law prohibits pay discrimination based on sex and provides for definitions, procedures, exceptions, a complaint procedure, damages, and a limitation of actions.

Proposed law provides for equal pay in public government contracts and requires that any contractor who enters into a contract with a public entity to comply with the provisions of present law.

Proposed law provides definitions for "contractor" and "public entity".

Proposed law requires any contractor or subcontractor who enters into a contract with a public entity to submit an affidavit certifying compliance with present law.

Proposed law requires the contractor to keep and maintain employee records containing each employee's name, address, position, and wages for not less than three years from the completion or acceptance of the contract.

Proposed law provides for penalties for violations of proposed law including cancellation of the contract and additionally, penalties in R.S. 23:666 including unpaid wages, reasonable attorney fees, and costs.

Effective August 1, 2020.

(Adds R.S. 39:2301-2304)